

CITY OF COUNCIL BLUFFS, IOWA

INTER-OFFICE MEMO

TO: All City Employees

FROM: Terry Mauer, Director of Personnel

SUBJECT: Family and Medical Leave Act

Effective Date On August 5, 1993, the provisions of the Family and Medical Leave Act (FMLA) became effective for all City employees not represented by a collective bargaining agreement. For those individuals who are represented by a collective bargaining group, the provisions of this legislation will apply beginning February 5, 1994.

Eligible Employees In order to utilize FMLA leave, an employee must have worked for the City at least twelve months for at least 1,250 hours during the last year preceding the start of the leave.

Intent of Law The intent of the Family and Medical Leave Act is to allow employees to balance their work load and family life by taking reasonable unpaid leave for medical reasons, for the birth or adoption of a child, and for the care of a child, spouse, or parent who has a serious health condition. This is to be accomplished in a manner that accommodates the legitimate interest of the employer.

Paid & Unpaid Leaves Under the provisions of the Act, an eligible employee is entitled to take up to twelve (12) weeks of unpaid FMLA leave in "any 12 month period." The City will calculate the employee's eligibility by utilizing a rolling 12 month period measured backward from the beginning date of the requested leave. The City will allow the employee to substitute any form of paid leave to which the employee would normally be eligible in lieu of any or all of the unpaid leave permitted by the law. Absent of any other eligible form of paid leave, the City will require the employee to utilize all accrued vacation and personal leave before taking unpaid leave. All leave, whether paid or unpaid will count toward the 12 week limitation provided by the law.

FAMILY MEDICAL LEAVE (continued)

Benefits

All benefit accruals will cease during periods when the employee is utilizing unpaid leave. Accrual will begin again when the employee resumes a paid status. The FMLA requires the City to maintain health and medical benefit coverages under the City's group health plan for the duration of the leave. In the case of paid FMLA leave, the City and the employee's share of health plan premiums will be paid in the customary manner by payroll deductions. In the case of unpaid FMLA leave, employee will be required to pay their premium share to the City Treasure by the first of the month for which the coverage is being paid. There is a thirty (30) day grace period after which coverage will be terminated if the employee has not paid their respective share of the premium. This should be carefully noted by the employee since it places upon the employee the responsibility of ensuring the continuation of health coverage during a period of unpaid leave.

Utilization

Employees who utilize FMLA leave are ensured that at the conclusion of the leave they will be restored to the same job the employee held prior to the leave or an equivalent position. An exception to this pertains to what the law refers to as a "Key Employee". A key employee is defined as an employee who is salaried and is paid among the highest ten percent of the City's salaried and non-salaried FMLA eligible and non-eligible employees. Reinstatement may be denied to a key employee utilizing FMLA leave when it can be shown that substantial and grievous economic injury to City operations could occur should the Key employee in question utilize FMLA leave.

Notice

Employees must give thirty (30) days written advance notice to their department head of a need to take FMLA leave when it is foreseeable for the birth or placement of a child for adoption, or foster care, or for planned medical treatment. When unforeseen events occur that require FMLA leave, employees must give notice as soon as practicable, ordinarily one or two working days.

Notice may be given either in person or by phone when medical emergencies are involved; and, may be given by a spouse or family member if the employee is unable to do so due to a serious health condition

Medical Certification

Employees will be required to provide medical certification from a health care provider to support FMLA leave requests either to care for an employee's seriously ill family member, or for leave due to a serious health condition that makes the employee unable to perform the functions of the employee's job. This certification must be provided within fifteen (15) calendar days. Forms can be obtained in the Personnel Department.

FAMILY MEDICAL LEAVE (continued)

No employee, who has been absent for a serious health condition, will be allowed to resume their normal job activities without a release from an attending physician. This release must be on the Doctor Certificate normally used for sick leave purposes. As per City Policy, should conditions warrant, the City may opt to have the employee examined by a City physician in order to determine the employee's fitness for duty. If this should be required the City will pay the cost of the exam.

Questions regarding the use of and qualifications for FMLA leave should be directed to the Personnel Department. Every effort will be made to answer your questions as soon as possible. I would highly recommend that each employee include this memo in their copy of the City Personnel Policies.